



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/101,498 07/09/98 MULLER N VO-391

PATENT AGENTS
JECK FLECK HERRMANN
POSTFACH 1165
D71697 SCHWIEBERDINGEN
FED REP GERMANY

PM82/1010

AIR MAIL

EXAMINER

TRAN, H

ART UNIT	PAPER NUMBER
----------	--------------

3636

DATE MAILED:

10/10/00

RECEIVED

NOV 17 2000

TO 3600

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/101,498

Applicant(s)
MULLER

Examiner
Hanh V. Tran

Group Art Unit
3636



☒ Responsive to communication(s) filed on Sep 8, 2000

RECEIVED

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

NOV 17 2000

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

TO 3600 MAIL ROOM

Disposition of Claims

☒ Claim(s) 1, 5, and 6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 5, and 6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3636

DETAILED ACTION

1. This Office Action is in response to applicant's request for a CPA filed on 9/8/2000.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations in claim 1 of (1) a cover, (2) air aspiration openings and air outlet openings must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

4. Claims 5 is objected to because of the following informalities: on line 7, reference numbers 23, 24,25 are not enclosed by parentheses. Appropriate correction is required.

Art Unit: 3636

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 3,559,728 to LYMAN ET AL in view of USP 5,184,879 to BROSSARDT ET AL.

LYMAN ET AL discloses an air conditioning cabinet structure comprising all the elements recited in the above listed claims and including (1) a cabinet housing (not shown, col. 3, lines 26-29); (2) a hollow cabinet door (10,20), FIGs 1-2, comprising (I) a flat surface for sealing an opening of the cabinet housing (col. 1, lines 62-68) thereby defining a first frontal plane and a receptacle space directly adjoining an interior of the cabinet housing, (ii) air-conditioner components supported within the receptacle space (col. 1, lines 62-74), (iii) a cover (11,21) positioned over the air-conditioner components, and provided with air aspiration openings and air outlet openings (col. 3, lines 39-47); and (3) hinges 17 connecting the cabinet door with the

Art Unit: 3636

cabinet housing; wherein the interior of the cabinet housing defines a second frontal plane, and when the cabinet door is in a closed position, the first front plane does not impinge upon the second frontal plane, as disclosed by LYMAN ET AL of a substantially flat surface (11,21). The only different being that LYMAN ET AL does not disclose the cabinet door being designed a tub-shaped housing.

BROSSARDT ET AL discloses an air conditioning cabinet structure comprising a housing, and a hollow door 20, wherein the hollow door has a tub-shaped in order to provide an aesthetic looking door.

It would have been obvious to modify the hollow door structure of LYMAN ET AL by providing the hollow door as a tub-shaped housing in order to provide an aesthetic looking door, as taught by BROSSARDT ET AL, since both teach alternate conventional air conditioning electrical cabinet having hollow door structure, used for the same intended purpose, thereby providing structure as claimed.

Further, it would have been an obvious matter of design choice to provide the hollow door of LYMAN ET AL as a tub-shaped, since applicant has not disclosed the criticality of having the door at such shape, and it appears that the hollow door of LYMAN ET AL would perform equally as well.

Art Unit: 3636

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302.

HVT
October 9, 2000

Hanh V. Tran
Art Unit 3636